

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BOB J. SETTLE,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 04-2129-CM
WAYNE NORTH, et al.,)	
)	
Defendants.)	
)	

ORDER

Pending before the court are the following motions filed by plaintiff:¹

1. Doc. 76 - Plaintiff, Bob J. Settle Motion to Hold Maxine Beye in Contempt for Perjury Committed Thirteen Times on Two Different Dates;
2. Doc. 78 - Plaintiff, Bob J. Settle Motion to Set Aside the Courts Orders of November 1st 2004 and June 28th 2005, Alledging Conspiracy, Perjury and Fraud;
3. Doc. 80 - Plaintiff, Bob J. Settle Motion to Set Aside the Courts Orders of November 1st 2004 and June 28th 2005, Alledging Conspiracy, Perjury and Fraud;
4. Doc. 82 - Plaintiffs Motion and Memorandum for Reconsideration of the Courts Order of November 1st 2004;
5. Doc. 83 - Plaintiffs Motion to Add Attachment to Document # 64 to Strike All Motions with Donald Merkin's Name Appearing on Them as Co-Counsel;
6. Doc. 86 - Plaintiff, Bob J. Settle Reply Memorandum and Motion to Strike Defendant's Beye and Laurel Hill Escrow Services Inc. Memorandum in Opposition to Plaintiff's Motion for Reconsideration to Set Aside the Courts Order of November 1st 2004;
7. Doc. 87 - Plaintiff, Bob J. Settle Reply Memorandum and Motion to Strike Defendant's Wayne North and Amcoatal Inc's. Memorandum in Opposition to Plaintiff's Motion for Reconsideration to Set Aside the Courts Order of November 1st 2004;
8. Doc. 88 - Plaintiff, Bob J. Settle Motion for Sanctions and Fees;

¹ For convenience and clarity, the court has copied the titles of plaintiff's motions in their entirety, and did not designate any mistakes or typographical errors.

9. Doc. 93 - Plaintiff, Bob J. Settle Motion to Strike and Reply to Defendant's Maxine Beye and Laurel Hill Escrow Services Inc's, Untimely Motion to File a Response to Plaintiff's Motion for Sanctions (Doc # 82);
10. Doc. 102 - Plaintiffs Motion and Memorandum to Attach Affidavit of Dallas Drake to Doc # 82;
11. Doc. 105 - Plaintiff, Bob J. Settle Motion for Second Extension of Time to Reply to Defendants Laurel Hill Escrow Services Inc. (L.H.E.S.) and Maxine Beye's Response to the Courts Order of January 4th 2006 (doc # 100);
12. Doc. 106 - Plaintiffs Motion and Memorandum to Strike Defendant's Beye and Laurel Hill Escrow Service's Inc. Documents No's 25, 32, 45, 57, 60, 61, 62, 65, 67, 68, 84, 91, 99, and 100, Grant Plaintiff's Motion for Discovery and Summary Judgement (Doc's 30 and 31);
13. Doc. 123 - Plaintiffs Motion and Memorandum to Modify, Stay and/or Set Aside the Courts Order of March 30th 2006 (doc # 122) to Strike Defendant's Beye and Laurel Hill Escrow Service's Inc. Documents No's # 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121;
14. Doc. 125 - Plaintiffs Motion and Memorandum to Clarify the Courts Order Filed January 4th 2006;
15. Doc. 127 - Plaintiffs Request for Oral Argument Pursuant to Rule 7.2;
16. Doc. 129 - Plaintiffs Motion and Memorandum for Order Denying Dennis Horner Esq. and Donald Merkin the Right to Appear Any Further in this Action on Behalf of Defendants Laurel Hill Escrow Services Inc and Maxine Beye;
17. Doc. 130 - Plaintiffs Motion and Memorandum for Order to Hold Wayne North in Contempt for Perjury;
18. Doc. 136 - Plaintiffs Motion and Memorandum for Order to Cite and Hold in Contempt Dennis Horner Esq and Donald Merkin Esq for Perjury, Conspiracy to Defraud, Attempted Theft, Filing False and Fraudulent Material Declarations;
19. Doc. 137 - Plaintiffs Motion and Memorandum for Order to Cite and Hold in Contempt Defendant Maxine Beye for Perjury and Filing False and Fraudulent Material Declarations;
20. Doc. 138 - Plaintiffs Motion and Memorandum for Order to Conduct Discovery Pursuant to Fed. R. Civ. P. 26;
21. Doc. 147 - Plaintiffs Motion and Memorandum to Reconsider and/or Set Aside this Courts Order of July 26th 2006, Granting Extension of Time to File Response/ Reply Re: 136. Doc. 141 and to Strike Motion for Extension of Time to File Response. Doc. 140, and to Hold Donald Merkin in

Contempt for his Failure to Timely Respond to Plaintiffs Motion. Doc. 136; and

22. Doc. 148 - Plaintiffs Motion to Strike the Response to the Courts Order to Show Cause by Defendants Laurel Hill Escrow Services Inc. and Maxine Beye. Doc 146.

I. Background

Plaintiff Bob J. Settle, proceeding *pro se*, filed this action on March 30, 2004, against defendants Wayne North, Amcostal Inc. (“Amcostal”), Robert Tringham, Woodham Asset Management Corporation, Maxine Beye, Laurel Hill Escrow Services, Inc. (“Laurel Hill”), Wayne Warr, Lois Kjeldgaard, Diamond K L.L.C., and David Rawlings. Plaintiff’s complaint asserts a federal claim under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961 *et seq.*, and state law claims alleging breach of contract, conspiracy to defraud, tortious interference with a business expectancy, “prima facie tort,” slander, defamation, malicious conduct, and emotional distress. At issue is plaintiff’s contention that he is the legal owner of between 2,096 and 2,137 Historical German Bonds, circa 1924, that he deposited in an escrow account with Laurel Hill.

On September 10, 2004, Magistrate Judge David J. Waxse held a status conference. Each of the parties who appeared at the conference stipulated to the court granting plaintiff’s Motion for Return of Plaintiff’s Property Being Held in Escrow by Laurel Hill Escrow Services, Inc. (Doc. 39). Plaintiff then orally moved to dismiss with prejudice the claims against those defendants appearing at the conference. Defendants Laurel Hill and Maxine Beye objected to plaintiff’s oral motion to dismiss unless plaintiff was willing to pay reasonable costs incurred by defendants in this matter. Plaintiff indicated that he was willing to pay such costs. As a result of these stipulations, Judge Waxse issued a Report and Recommendation that recommended, inter alia, plaintiff’s Motion for Return of Plaintiff’s Property Being Held in Escrow by Laurel Hill Escrow Services, Inc. (Doc. 39)

be granted, and plaintiff's oral motion to dismiss with prejudice be granted subject to plaintiff paying the reasonable costs incurred by the objecting parties.

None of the parties filed objections to Judge Waxse's Report and Recommendation. Accordingly, on November 1, 2004, Judge VanBebber adopted most of Judge Waxse's recommendations (Doc. 44), specifically granting plaintiff's Motion for Return of Plaintiff's Property Being Held in Escrow by Laurel Hill Escrow Services, Inc. (Doc. 39) and ordering that, pursuant to plaintiff's oral motion to dismiss, all claims against defendants Wayne North, Amcostal, Inc., Lois Kjeldgaard and Diamond K L.L.C. be dismissed with prejudice. In addition, Judge VanBebber ordered that plaintiff's oral motion to dismiss with prejudice all claims against defendants Laurel Hill and Maxine Beye be subject to the condition that plaintiff pay the reasonable costs incurred by these defendants. In the same Order, Judge VanBebber also denied plaintiff's motion for default judgment against defendants Robert Tringham, Woodland Management Corporation, Wayne Warr, and David Rawlings.

On April 12, 2005, Judge VanBebber dismissed defendants Robert Tringham, Woodland Management Corporation, Wayne Warr, and David Rawlings without prejudice after plaintiff moved to dismiss them because of his failure to serve them within the time provided under Fed. R. Civ. P. 4(m). The only remaining defendants are Laurel Hill and Maxine Beye.

On June 29, 2005, the undersigned judge² entered an Order (Doc. 53) granting defendants Laurel Hill Escrow Services, Inc. and Maxine Beye's motion for costs of \$1,000 (Doc. 45), and denying plaintiff's motion to strike defendants' motion for costs (Doc. 47). Specifically, the court

² The case was transferred to the undersigned judge after the death of the Honorable G. Thomas VanBebber.

held: “Defendants shall notify the court when they have received payment from plaintiff, and the court will then enter an order granting plaintiff’s oral motion to dismiss them from the case. The case will then be closed.” Doc. 53. On August 3, 2006, Laurel Hill and Ms. Beye acknowledged receipt of costs of \$1,000 from plaintiff pursuant to the court’s June 29, 2005 Order, but did not notify the court. *See* Doc. 60 at 2.

In the meantime, on the morning of July 5, 2005, plaintiff traveled to Laurel Hill Escrow Services, Inc., located in San Diego, California, to retrieve his property. Defendants were not notified that plaintiff was coming on that particular day. Plaintiff arrived at Laurel Hill accompanied by Officer Bill Albrektson of the San Diego Police Department. Ms. Beye produced four boxes of plaintiff’s property, stating that the four boxes contained the entirety of plaintiff’s property. Without counting the bonds, plaintiff signed the top of the undersigned judge’s June 29, 2005 Order and hand-wrote: “Received all docs 4 boxes 7-5-05.” Plaintiff alleges that he and Ms. Beye agreed that plaintiff would count the bonds upon returning to Kansas City. Doc. 61, at 54.

After returning to his home in Kansas City, Kansas on July 6, 2005, plaintiff alleges that he conducted an inventory of the four boxes, which contained 1,883 bonds. Plaintiff alleges that he entrusted Laurel Hill with 2,137³ bonds, leaving 254 bonds unaccounted for.

Since its January 4, 2006 Order taking under advisement plaintiff’s motion to compel and Laurel Hill and Ms. Beye’s motion to strike, plaintiff has filed twenty motions. Because the court’s

³ Plaintiff’s instant motion states: “PLAINTIFF PLACED IN ESCROW A TOTAL OF 2137 GERMAN BONDS [sic] THIS NUMBER OF 2137 BONDS HAS NEVER BEEN DISPUTED BY ANY OF THE DEFENDANTS.” Doc. 56, at 9. Plaintiff previously contended, however, that he left 2,096 bonds with Laurel Hill. For example, Plaintiff’s Motion for Return of Plaintiff’s Property Being Held in Escrow by Laural [sic] Hill Escrow Services Inc. (Doc. 39), states: “Defendants . . . have made a claim as to the ownership of Plaintiffs [sic] property, namely 2096 German 7% Gold Backed Bonds, Cira [sic] 1924 in escrow with Laural [sic] Hill Escrow Services, Inc.” Doc. 39, at 1.

August 17, 2006 Order is relevant to many of the instant rulings, the court hereby incorporates it by reference. *See* Doc. 149.

For clarity, the court has organized its rulings based on types of motions and their corresponding document numbers.

II. Analysis

A. Plaintiff's Motions to Strike - Documents 86, 87, 93, 106, and 148

1. Document 86

Plaintiff moves the court to strike Laurel Hill and Ms. Beye's motion in opposition to plaintiff's motion for reconsideration (Doc. 84), arguing that it was filed eight days late. Plaintiff's motion for reconsideration was filed on October 20, 2005. Pursuant to D. Kan. Rule 6.1(d)(1), Laurel Hill and Ms. Beye had fourteen days in which to respond. They responded on November 11, 2005, or eight days late. Because Laurel Hill and Ms. Beye did not respond to plaintiff's motion to strike, the court cannot find excusable neglect. Accordingly, plaintiff's motion to strike is granted.

2. Document 87

Plaintiff moves the court to strike Defendants Wayne North and Amcoatal, Inc.'s ("Amcoatal")⁴ motion opposing plaintiff's motion for reconsideration (Doc. 85). Plaintiff argues, and the court has previously held, that Mr. North and Amcoatal's motion was filed eight days late.

Mr. North and Amcoatal argue that their delay in responding was due to excusable neglect pursuant to D. Kan. Rule 6.1(a) because counsel for Mr. North and Amcoatal was in the middle of a ten-week trial when plaintiff filed his motion for reconsideration. Mr. North and Amcoatal also

⁴ Mr. North and Amcoatal were dismissed as defendants on November 1, 2004. The court's November 1, 2004 Order is the subject of plaintiff's reconsideration motion.

argue that plaintiff was not prejudiced by the minimal delay. The court agrees. Plaintiff's motion to strike is denied.

3. Document 93

Plaintiff moves the court to strike Laurel Hill and Ms. Beye's response in opposition to plaintiff's motion for sanctions, filed on December 12, 2005 (Doc. 91). Plaintiff's motion for sanctions was filed on November 30, 2005 (Doc. 88). Plaintiff argues that Laurel Hill and Ms. Beye's response in opposition was filed late—not because Laurel Hill and Ms. Beye's December 12, 2005 motion was filed more than fourteen days after plaintiff's November 30, 2005 motion, pursuant to D. Kan. Rule 6.1(d)(1)—but because Laurel Hill and Ms. Beye's December 12, 2005 response inadvertently references plaintiff's Document 82, which was filed on October 20, 2005. Plaintiff's argument is disingenuous. The court finds that Laurel Hill and Ms. Beye's error in referencing Document 82 is a typographical error, and denies plaintiff's motion to strike.

4. Document 106

Plaintiff moves the court to strike at least twelve of Laurel Hill and Ms. Beye's motions because the motions were not signed by counsel, and because Don Merkin had not filed for leave to appear pro hac vice. In response, Laurel Hill and Ms. Beye argue that Dennis Horner, a local attorney, filed each of the relevant motions, and that Mr. Horner's signature was inadvertently omitted from the motions. In light of the court's August 17, 2006 Order, the court denies plaintiff's motion. *See* Doc. 149.

5. Document 148

Plaintiff moves the court to strike Laurel Hill and Ms. Beye's response to the court's show cause order (Doc. 146). Plaintiff asserts that counsel for Laurel Hill and Ms. Beye have failed to

comply with numerous portions of the Federal Rules of Civil Procedure and Local Rules. In light of the court's August 17, 2006 Order, the court denies plaintiff's motion. *See* Doc. 149.

B. Plaintiff's Motions for Contempt - Documents 76, 130, 136, and 137

1. Document 76

Plaintiff moves the court to hold Ms. Beye in contempt for perjury for allegedly inconsistent statements she made in several affidavits. The court finds that plaintiff's motion is inappropriate at this stage of litigation, and denies his motion.

2. Document 130

Plaintiff moves the court to hold Wayne North in contempt for perjury for statements he made in a July 28, 2004 affidavit. Plaintiff's basis for his motion is that Mr. North's version of the facts is different than his own. The court denies plaintiff's motion.

3. Document 136

Plaintiff moves the court to hold Dennis Horner and Donald Merkin, attorneys for Laurel Hill and Ms. Beye, in contempt for perjury, conspiracy to defraud, attempted theft, and filing false and fraudulent material declarations. Plaintiff's arguments center around the costs and fees Mr. Horner and Mr. Merkin sought from plaintiff.

On June 29, 2005, the undersigned judge awarded \$1,000 in costs to Laurel Hill and Ms. Beye. Mr. Horner and Mr. Merkin sought a total of \$16,148.48 in attorney fees and costs, but the court determined that Mr. Merkin's fees were not compensable because he was not admitted pro hac vice pursuant to the court's local rules. As a result, the court found that \$1,000 in costs—as opposed to the \$2,714.48 requested by Mr. Horner—was reasonable in this case.

Plaintiff took advantage of his opportunity to oppose Mr. Horner and Mr. Merkin's

accounting of their costs and fees in December of 2004. *See* Docs. 46 and 47. The court took plaintiff's arguments into consideration when ruling on its June 29, 2005 Order, and the court need not revisit these arguments again. Plaintiff's motion is denied.

4. Document 137

Plaintiff moves the court to hold Ms. Beye in contempt for perjury and filing false and fraudulent material declarations. Specifically, plaintiff alleges that Ms. Beye made inconsistent statements in several affidavits and declarations. Finding that this request is inappropriate at this stage of litigation, the court denies plaintiff's motion.

C. Plaintiff's Motion for Reconsideration - Documents 82 and 147

1. Document 82

Plaintiff moves the court to reconsider its November 1, 2004 Order. Pursuant to plaintiff's consent, the Order dismissed all of plaintiff's claims against all defendants except Laurel Hill and Ms. Beye. Plaintiff argues that his agreement to dismiss his claims against the other defendants was predicated on Laurel Hill and Ms. Beye returning his property, which did not occur.⁵ The court finds that plaintiff has not met the standard for reconsideration, and denies plaintiff's motion.

2. Document 147

Plaintiff requests that the court reconsider and/or set aside its July 26, 2006 Order (Doc. 141), which granted Laurel Hill and Ms. Beye's motion for an extension of time to respond to plaintiff's motion to hold Mr. Horner and Mr. Merkin in contempt (Doc. 140, Doc. 136). Plaintiff argues that Laurel Hill and Ms. Beye's motion for an extension of time was untimely, but plaintiff is

⁵Notably, the court has previously heard and ruled upon plaintiff's claims against Laurel Hill and Ms. Beye. *See* Doc. 97.

incorrect. Plaintiff's motion was filed on July 12, 2006; Laurel Hill and Ms. Beye requested an extension on July 24, 2006. Pursuant to D. Kan. Rule 6.1(a) and 6.1(d)(1), the motion for extension of time was properly and timely filed. Plaintiff also moves the court to strike Laurel Hill and Ms. Beye's motion for an extension of time, and to hold Mr. Merkin in contempt for his failure to timely respond to plaintiff's motion for contempt. In light of the court's previous holding, the court denies this motion.

D. Plaintiff's Motions to Set Aside - Documents 78, 80, and 123

1. Document 78

Plaintiff moves for the court to set aside its November 1, 2004 and June 28, 2005 Orders because plaintiff alleges that the defendants have committed conspiracy, perjury and fraud against him. Plaintiff makes the same argument he made in his motion for reconsideration (Doc. 82), that is, that plaintiff's consent to dismiss his claims against all defendants except Laurel Hill and Ms. Beye was conditioned on plaintiff's receipt of his property. The court finds that plaintiff does not meet the standard necessary for the court to set aside its Orders.⁶ *See* Fed. R. Civ. P. 60(b). Plaintiff's motion is denied.

2. Document 80

Document 80 is identical to Document 78. For the abovementioned reasons, plaintiff's motion is denied.

3. Document 123

Plaintiff moves to modify, stay and/or set aside the court's March 30, 2006 Minute Order finding as moot each of Laurel Hill and Ms. Beye's motions to amend their filings for failure to

⁶ *See supra* note 2.

properly sign the documents. The Minute Order states: “While the court acknowledges the signatures on each of the supplemental motions, for clarity, the court will refer to the original pleadings.” As the explanation suggests, the court’s Minute Order alleviates duplicate pending motions on the docket sheet. Moreover, the court previously granted Motion of Defendants Beye and Laurel Hill Escrow Service, Inc. for Acceptance of Supplemental Pleadings (Doc. 107). *See* Doc. 149. Accordingly, plaintiff’s motion is denied.

E. Miscellaneous Motions - Documents 83, 88, 102, 105, 125, 127, 129 and 137

1. Document 83

Plaintiff requests permission to add an attachment to Document 64. Plaintiff’s motion on this issue is granted. However, the court denies plaintiff’s request for the court to “strike all defendants [sic] motions as not complying with the [R]ules of [F]ederal [Civil] [P]rocedure.”

2. Document 88

Plaintiff moves the court to sanction Dennis Horner, attorney for Laurel Hill and Ms. Beye, and Deron A. Anlinker, attorney for Mr. North and Amcoatal, for their “continued abuse of the Federal Rules of Civil Procedure.” Plaintiff particularly concentrates on Laurel Hill and Ms. Beye’s eight-day tardiness in filing their response in opposition to plaintiff’s motion for reconsideration. Plaintiff provides no basis for the court to sanction defendants, other than that defense counsel should be held “fully accountable” and made to comply with the Federal Rules of Civil Procedure. The court finds that sanctions are inappropriate under these circumstances. Plaintiff’s motion is denied.

3. Document 102

Plaintiff requests leave to attach the affidavit of Dallas Drake to Document 82. Plaintiff’s

motion is granted.

4. Document 105

On March 14, 2006, plaintiff filed a motion requesting an extension of time to file a reply to a response filed on January 24, 2006. Plaintiff's request is out of time. *See* D. Kan. Rule 6.1(a). Plaintiff argues that his tardiness constitutes excusable neglect because plaintiff was detained on a business trip.

Ordinarily, the court has a fairly liberal policy of granting extensions of time, especially those filed in a timely manner. The court notes for the record, however, that plaintiff has filed no less than four motions opposing two of defendant's motions on the ground that defendants' motions were filed eight days late. Specifically, plaintiff filed two requests to strike, a motion set aside, and a motion to sanction defendants. In these motions, plaintiff argued that defendants' delay, which was caused by defense counsel's trial commitments, was inexcusable. The court finds that there is a vast difference between eight days and at least five weeks. The court finds that plaintiff's neglect is not excusable, and denies plaintiff's motion.

5. Document 125

Plaintiff moves the court to clarify its January 4, 2006 Order. Plaintiff argues that, as of April 25, 2006, Laurel Hill and Ms. Beye had not yet responded to the court's January 4, 2006 Order, which ordered them to answer to several questions. Therefore, plaintiff requests that the court grant each of the motions discussed in the court's January 4, 2006 Order in plaintiff's favor.

Laurel Hill and Ms. Beye's response was filed on January 24, 2006 (Doc. 99). The court gathers, but is not certain, that plaintiff is arguing that because Laurel Hill and Ms. Beye's attorney, Mr. Horner, did not properly sign the response, the motion was effectively never filed. The court

has previously granted Laurel Hill and Ms. Beye's motion for acceptance of supplemental pleadings (Doc. 107), allowing these defendants leave to re-file each of the motions that Mr. Horner failed to sign. *See* Doc. 149. As such, Laurel Hill and Ms. Beye's response was timely filed, and the court denies plaintiff's motion as moot.

6. Document 127

Plaintiff requests oral argument in order to establish that Ms. Beye has not been truthful in this litigation. The court finds that oral argument would not substantially further the court's understanding of the arguments in this case. Accordingly, plaintiff's motion is denied.

7. Document 129

Plaintiff requests an order denying Mr. Horner and Mr. Merkin, counsel for Laurel Hill and Ms. Beye, the right to appear in this action. Plaintiff's arguments are similar to those in plaintiff's motion to sanction Mr. Horner and Mr. Merkin, which was previously denied by this court. Moreover, plaintiff provides no legal basis for such an extreme measure. For these reasons, plaintiff's motion is denied.

8. Document 137

Plaintiff requests permission to conduct discovery. The court finds that plaintiff's motion is premature because the parties have not participated in a scheduling conference since the development of the current issues in this case. *See* Fed. R. Civ. P. 26(d), (f). Whether venue is proper in this district remains an issue for the court's consideration. *See* Doc. 139. If the court finds that venue is proper, the court will initiate a scheduling conference as soon as practicable. Plaintiff's motion is denied without prejudice.

IT IS THEREFORE ORDERED that the following motions are granted:

1. Doc. 86 - Plaintiff, Bob J. Settle Reply Memorandum and Motion to Strike Defendant's Beye and Laurel Hill Escrow Services Inc. Memorandum in Opposition to Plaintiff's Motion for Reconsideration to Set Aside the Courts Order of November 1st 2004; and
2. Doc. 102 - Plaintiffs Motion and Memorandum to Attach Affidavit of Dallas Drake to Doc # 82.

IT IS FURTHER ORDERED that the following motions are denied:

3. Doc. 76 - Plaintiff, Bob J. Settle Motion to Hold Maxine Beye in Contempt for Perjury Committed Thirteen Times on Two Different Dates;
4. Doc. 78 - Plaintiff, Bob J. Settle Motion to Set Aside the Courts Orders of November 1st 2004 and June 28th 2005, Alleging Conspiracy, Perjury and Fraud;
5. Doc. 80 - Plaintiff, Bob J. Settle Motion to Set Aside the Courts Orders of November 1st 2004 and June 28th 2005, Alleging Conspiracy, Perjury and Fraud;
6. Doc. 82 - Plaintiffs Motion and Memorandum for Reconsideration of the Courts Order of November 1st 2004;
7. Doc. 87 - Plaintiff, Bob J. Settle Reply Memorandum and Motion to Strike Defendant's Wayne North and Amcoatal Inc's. Memorandum in Opposition to Plaintiff's Motion for Reconsideration to Set Aside the Courts Order of November 1st 2004;
8. Doc. 88 - Plaintiff, Bob J. Settle Motion for Sanctions and Fees;
9. Doc. 93 - Plaintiff, Bob J. Settle Motion to Strike and Reply to Defendant's Maxine Beye and Laurel Hill Escrow Services Inc's, Untimely Motion to File a Response to Plaintiff's Motion for Sanctions (Doc # 82);
10. Doc. 105 - Plaintiff, Bob J. Settle Motion for Second Extension of Time to Reply to Defendants Laurel Hill Escrow Services Inc. (L.H.E.S.) and Maxine Beye's Response to the Courts Order of January 4th 2006 (doc # 100);
11. Doc. 106 - Plaintiffs Motion and Memorandum to Strike Defendant's Beye and Laurel Hill Escrow Service's Inc. Documents No's 25, 32, 45, 57, 60, 61, 62, 65, 67, 68, 84, 91, 99, and 100, Grant Plaintiff's Motion for Discovery and Summary Judgement (Doc's 30 and 31);
12. Doc. 123 - Plaintiffs Motion and Memorandum to Modify, Stay and/or Set Aside the Courts Order of March 30th 2006 (doc # 122) to Strike Defendant's Beye and Laurel Hill Escrow Service's Inc. Documents No's # 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121;
13. Doc. 125 - Plaintiffs Motion and Memorandum to Clarify the Courts Order Filed January 4th

2006;

14. Doc. 127 - Plaintiffs Request for Oral Argument Pursuant to Rule 7.2;

15. Doc. 129 - Plaintiffs Motion and Memorandum for Order Denying Dennis Horner Esq. and Donald Merkin the Right to Appear Any Further in this Action on Behalf of Defendants Laurel Hill Escrow Services Inc and Maxine Beye;

16. Doc. 130 - Plaintiffs Motion and Memorandum for Order to Hold Wayne North in Contempt for Perjury;

17. Doc. 136 - Plaintiffs Motion and Memorandum for Order to Cite and Hold in Contempt Dennis Horner Esq and Donald Merkin Esq for Perjury, Conspiracy to Defraud, Attempted Theft, Filing False and Fraudulent Material Declarations;

18. Doc. 137 - Plaintiffs Motion and Memorandum for Order to Cite and Hold in Contempt Defendant Maxine Beye for Perjury and Filing False and Fraudulent Material Declarations;

19. Doc. 138 - Plaintiffs Motion and Memorandum for Order to Conduct Discovery Pursuant to Fed. R. Civ. P. 26;

20. Doc. 147 - Plaintiffs Motion and Memorandum to Reconsider and/or Set Aside this Courts Order of July 26th 2006, Granting Extension of Time to File Response/ Reply Re: 136. Doc. 141 and to Strike Motion for Extension of Time to File Response. Doc. 140, and to Hold Donald Merkin in Contempt for his Failure to Timely Respond to Plaintiffs Motion. Doc. 136 (Doc. 147); and

21. Doc. 148 - Plaintiffs Motion to Strike the Response to the Courts Order to Show Cause by Defendants Laurel Hill Escrow Services Inc. and Maxine Beye. Doc 146.

IT IS FURTHER ORDERED that the following motion is granted in part and denied in part:

22. Doc. 83 - Plaintiffs Motion to Add Attachment to Document # 64 to Strike All Motions with Donald Merkin's Name Appearing on Them as Co-Counsel.

Dated this 17th day of August 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge